IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 30905 of 2006(D)

PETITIONER:

SHIBU V.J., S/O. JOSE,
VAILIKUDAM HOUSE, DIVISION B,
ATHIRAPALLY ESTATE, KALADY PLANTATION P.O.,
ERNAKULAM DIST - 683 583.

BY ADV. SRI.WILSON URMESE

RESPONDENTS:

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1. KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM-4, REPRESENTED BY
ITS SECRETARY.

2. THE CONTROLLER OF EXAMINATIONS,
KERALA PUBLIC SERVICE COMMISSION,
THIRUVANANTHAPURAM.

3. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION, KOLLAM.

BY SC SHRI. P.C. SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 30905 OF 2006 D
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Dated this the 25th January, 2007

J U D G M E N T

The petitioner applied for the post of Villageman in the Revenue Department pursuant to notification issued by the 1st respondent. He wrote the written test. Having found that his register number is not included in the short list he has approached this Court praying mainly for a direction to the 1st respondent to appoint an expert committee for scrutiny of Exts. P1 and P2 which are the question booklet and the answer key published by the Public Service Commission on 15-2-2006, to declare that 11 questions mentioned in Ext. P3 are erroneous and not liable to be acted upon and other reliefs.

2. Counter affidavit has been filed on behalf of respondents 1 to 3. The main contention urged by the respondents is that the petitioner who slept over the matter for a considerable period of time, woke up after the publication of the short list and has approached this Court belatedly. It is submitted by the respondents that it will lead to sheer injustice if

action already taken by the Commission is interfered with by this Court at the instance of a candidate like the petitioner who did not respond to the call made by the Commission on 15-2-2006 or to raise objections against the answer key published for the information of all the candidates granting 15 days to file their objections, if any. The respondents point out that others who felt genuinely aggrieved, responded to the call made by the Commission and the Commission considered their objections and appropriate steps were taken. The steps thus taken include the decision to delete 11 questions and to modify 3 answers. It was thereafter the short list was published on 2-9-2006.

3. The petitioner has no case that he submitted any representation pursuant to the call made by the respondents on 15-2-2006. He has also no case that between 15-2-2006 and 2-9-2006 he had raised even a little finger against the alleged wrong action on the part of the respondent-Commission.

4. I find substance in the contentions raised on behalf of the respondents. In matters of this nature, the candidates should be vigilant enough to respond

immediately and take appropriate steps to remedy the wrong, if they have a genuine grievance. The work undertaken by the Commission is a laborious one involving the interest of lakhs of candidates. After the Commission proceeds with the action to publish the short list, and thereafter the rank list, this Court will be slow to interfere with such lists at the instance of candidates who fail to act vigilantly. If candidates feel that they can raise objections as and when they feel it convenient, it will upset the entire process of selection and will hamper the regular work of the Commission which is supposed to be done in the interest of the candidates. This Court cannot ignore the fact that large number of candidates are interested in the early publication of the rank lists because only after the rank list is published they will get appointment based on the ranking in the select list. Therefore, simply to safeguard the interest of one candidate who failed to raise objections at the appropriate time and who has thought of raising objections belatedly, this Court will not be justified in exercising the discretionary jurisdiction under

Article 226 of the Constitution of India and granting reliefs to such a person. I am, therefore, of the view that the petitioner is not entitled to the reliefs prayed for. The writ petition is dismissed.

K.K. DENESAN
JUDGE

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